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## **PUBLIC WORKS 8.01**

**8.01 AUTHORITY OVER STREET PERMITS.** The Department of Public Works shall issue or direct the issuance of permits for all work to be done on sidewalks, streets, curbs and gutters, except where this chapter provides that the Council shall approve the issuance of such permits.

**8.02 STREET NUMBERING AND NAMING.** (1) All lots and parts of lots in the City shall be numbered in accordance with a certain map on file in the office of the City Engineer which is designated as "a street numbering map," bearing City Clerk's file #38-4996. All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map, and numbers shall be allocated as nearly as possible of one number to each 20'. Division Street shall be the north and south base line and Main Street shall be the east and west base line for street numbering.

(2) Any owner or occupant of any building fronting upon any street in the City who fails after 20 days after the completion of such building to attach securely or apply to the front of the same in a conspicuous position and not higher than the first or ground story of the building so that the same can be plainly seen from the street the proper number of such building as inscribed upon the map in figures not less than 2" in height shall be deemed to be in violation of this section and may be prosecuted at any time 5 days after the Chief of Police shall serve written notice on such owner or occupant demanding that he properly number the same.

(3) The streets of the City shall bear the names appearing upon the street numbering map referred to in this section, except as subsequently changed by ordinance. Such names shall only be changed by resolution and, when so changed, the City Engineer shall make a corresponding change upon the map.

**8.03 STREET AND SIDEWALK GRADES.** (1) **ESTABLISHING AND FILING.** The grade of all streets and sidewalks as established by the Council shall be kept on file in the office of the City Engineer, who shall establish the grade whenever none has been previously established.

(2) **UNAUTHORIZED CHANGING OF GRADE.** No person shall alter the grade of any street, alley, sidewalk or public ground in the City by taking from or adding to the surface of such street, sidewalk, alley or public ground by digging, plowing or otherwise changing or disturbing the surface unless authorized or directed by the Council.

(3) **EXISTING GRADE APPROVED.** The grades of all streets, sidewalks, and public grounds on file August 18, 1942, as the established grade in the office of the City Engineer are hereby approved and confirmed and shall continue unless changed or altered by the Council.

## **PUBLIC WORKS 8.03(4)**

(4) **FURNISHING GRADE.** The office of the City Engineer shall furnish free of charge for each property, one sidewalk grade to the same property owner. Additional requests by the same property owner shall be \$10 for each time such grade is furnished.

8.04 **USE OF STREETS, SIDEWALKS AND ALLEYS.** No person shall occupy or use in any way any public street, sidewalk or alley for any purpose except public travel or for the parking of vehicles on such streets or alleys as permitted by this chapter unless such use is authorized by the Council as provided in this chapter; provided, however, that this prohibition shall not apply to charitable organizations as defined by Wisconsin Statutes which from time to time solicit funds for the furtherance of their activities by such means as the sale of poppies, forget-me-nots, etc. This enumeration is not to be construed as limiting the activities outlined above but is merely for the purpose of illustration. The Council may from time to time grant permission for such charitable activities on the public streets and sidewalks.

8.05 **MATERIALS ON STREETS.** (1) **PERMIT.** No person shall place or cause to be placed on any public street, alley, sidewalk or gutter or any portion thereof, for temporary storage purposes any stone, timber, lumber, plank, board or like material or machinery without obtaining a permit from the Director of Public Works.

(2) **APPLICATION FOR PERMIT.** Application shall be made to the Director of Public Works on prescribed form for such permit. The application shall state the location and the approximate number of sq. ft. of sidewalk or public street to be used for such temporary storage purposes. Such application shall be accompanied by a bond, in regular form, as furnished by the Director of Public Works, by the provisions of which it shall hold the City harmless from any and all claims which may arise by reason of such obstruction. When the sidewalk or street area to be so occupied exceeds 100 sq. ft., such bond shall be in the sum of \$2,500, and when the area is less than 100 sq. ft., the bond shall be in the sum of \$1,000. The Director of Public Works shall issue such permit only when it appears that such use will not render public travel on or along such street or sidewalk dangerous or hazardous. Any person making proper application for such permit who is aggrieved by the refusal of the Director of Public Works to grant such permit may make further application to the City Manager and the City Manager shall re-examine such matter and have full power to act.

(3) **FEE.** The permit fee shall be \$25.

(4) **BARRICADES.** The person obtaining such permit or in whose behalf the permit was obtained shall cause such obstruction to be properly barricaded and guarded by day and night so as to sufficiently warn public travelers that the same is as reasonably safe as the nature of the obstruction will permit.

## **PUBLIC WORKS 8.06(1)**

**8.06 OBSTRUCTION OF STREETS.** (1) PERMIT. No person shall block or obstruct any sidewalk, street, alley or any portion thereof in the City without obtaining a permit from the Director of Public Works.

(2) APPLICATION FOR PERMIT. Application shall be made to the Director of Public Works on prescribed form for such permit. Such application shall be accompanied by a performance bond of \$5,000 and a certificate of insurance. Such documents shall be in regular form and approved by the Director of Public Works, the provisions of which it shall, among other things, hold the City harmless from any and all damages which may result to or against the City for allowing or permitting such obstruction. The Director of Public Works shall issue such permit only when it appears that such use will not render public travel on or along a street or a sidewalk dangerous or hazardous. Any person making proper application for such permit who is aggrieved by the refusal of the Director of Public Works to grant such permit may make further application to the City Manager and the City Manager shall re-examine the matter and have full power to act.

(3) FEE. The permit fee shall be \$25.

(4) NOTICE OF ISSUING PERMIT. The Director of Public Works shall notify the Police and Fire Departments of the issuance of any permit allowing the obstructing of 1/2 or more the width of any public street or alley. Such notice shall state the name of the person holding the permit and the exact place and the time for which such obstruction is authorized, and no permit shall authorize the obstruction of any sidewalk, street or alley for more than 15 days unless authorized by the City Manager, and in no event shall such obstruction be longer than 30 days under any one permit.

(5) PRIVILEGES IN STREETS UNDER STATUTES. Privileges in streets which by their extent and duration are subject to §66.045, Wis. Stats., shall be governed thereby and this section and §8.07 so far as in conflict therewith shall not apply. Section §66.045, Wis. Stats., is hereby adopted by reference. Violation of the provisions of §66.045 shall constitute a violation of this section.

(6) BARRICADES. The person obtaining such permit or in whose behalf the permit was obtained shall cause such obstruction to be properly barricaded and guarded by day and night so as to sufficiently warn public travelers that the same is as reasonably safe as the nature of the obstruction will permit.

**8.065 TRAINS OBSTRUCTING STREETS.** (1) It shall be unlawful for any railroad company to operate or permit the operation of any railroad train, locomotive or car upon or across any street crossing within the corporate limits of the city, or leave the same standing upon such crossing, so that such crossing is obstructed to users of such street for a period longer than six consecutive minutes, except in cases where such obstruction is caused by circumstances beyond the control of the person in charge of such train or the railroad company.

(2) When circumstances are found to be beyond the control of persons in charge of trains or the railroad company for a 90-day period, the City shall serve notice to the railroad company that said circumstances shall be brought under control within a 90-day period from the date of notice. Said circumstances continuing beyond that period of time shall not be considered to be beyond the control of the railroad company.

**8.07 EXCAVATION IN STREETS.** (1) PERMIT. No person shall in any manner excavate in or remove the surface or any ground from under any public street, alley or sidewalk in the City without obtaining a permit from the Director of Public Works.

(2) APPLICATION FOR PERMIT. The application for excavating in or removing any dirt from under any public street, sidewalk or alley shall be made to the Director of Public Works on prescribed form for such permit. The application shall state the location and the extent of the proposed excavation or removal of earth and be accompanied by a cash deposit of \$25. Such application shall also be accompanied by a performance bond and insurance certificate as approved by the Director of Public Works, by the provisions of which it will hold the City harmless from any and all claims which may arise by reason of the applicant's use of such street for excavating purposes. The amount of the bond shall be the sum of \$10,000. The Director of Public Works shall issue the permit only when it appears that the use will not render public travel on or along the street, sidewalk or alley dangerous or hazardous. Any person making proper application for such permit who is aggrieved by the refusal of the Director of Public Works to grant the permit may make further application to the City Manager and the City Manager shall re-examine the matter and have full power to act. When such application is made by public service corporations or cooperative associations under Ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power, it shall not be necessary that the application be accompanied by a bond in regular form as otherwise provided by this subsection.

(3) FEE. The permit fee shall be \$25.

(4) EXCAVATIONS BY THE CITY. Whenever the City or any department thereof is to make any excavation in any public street, sidewalk or alley, a record shall be made of the same and filed in the office of the Director of Public Works in the same manner as application and permit so made and granted by other persons. Neither the City nor any department thereof shall be required to make any deposit, pay any permit fee or file any undertaking, as provided for other persons.

(5) MAKING AND FILLING EXCAVATIONS. (a) Any excavations made in any public street, sidewalk or alley shall not be larger and shall not be left open longer than the necessities of the work demand. All excavations shall at all times be properly guarded by day and by night in such manner as to sufficiently warn public travelers upon or along such street, sidewalk or alley, so that the same are as reasonably safe as the nature of the work will permit. The person making such excavation shall be responsible for any damages which may result to any person or to any property by reason of such

## **PUBLIC WORKS 8.07(5)(b)**

excavating work and the City shall assume no responsibility therefor by reason of granting such permit.

(b) All back filling for excavation below the pavement, macadam or other hard surface of the travelled way on any street, sidewalk or alley shall be done with graveled sand or crushed stone, firmly tamped, and all earth, stone and other material excavated shall be hauled away by the person authorized to make such excavation, provided, however, that when such excavation is made upon any street or alley not open to public travel and actually not being used for such purpose, the person making such excavations may refill with earth, stone or other material excavated from the location, provided the same shall be slushed back with water, thoroughly and properly tamped, so that the street is left in as good condition as it was in immediately before such excavation was made. Unless otherwise directed the Department of Public Works shall pave, macadamize or otherwise replace the wearing surface of any hard surface, street, sidewalk, or alley where such excavation is made. The Director of Public Works shall keep an itemized statement of the actual cost of resurfacing and deduct the amount from the \$25 deposit made by the applicant. After such deduction is made and statements given to the applicant, the City shall refund the balance of the deposit to the applicant.

(6) PRIVATE USE OF SURPLUS CITY DIRT. No City employee, agent, contractor or subcontractor shall haul away or direct the hauling away of any surplus dirt from any City project, whether street work or otherwise, for private use, unless it is sold upon the terms and/or prices as are set by the Council, with payments to be made through the Comptroller's Office, and records kept to show the name of the purchaser and the cost to purchaser, except the abutting landowners upon streets dedicated to public right-of-way by easement and not by complete ownership in the City may obtain surplus dirt for use on the abutting land without cost, upon written request to the Comptroller.

(7) CITY TO MAKE EXCAVATIONS. Unless otherwise directed no holes shall be made in any pavement, macadam or other hard surfaces of the traveled way on any street or alley by anyone other than the City. Applications to make holes in surfaces shall be made to the Director of Public Works. All holes shall be made by City employees which shall include cutting and removing hard surface and after excavation has been backfilled by the party desiring excavation, the City shall replace the hard surface. Contractors or applicants for such excavation are to dig remaining excavation, maintain barricades and backfill the hole, except for the hard surface material which will be done by the City. The City shall bill the contractor or the applicant on a cost basis for the making of such holes and resurfacing, terms to be paid within 30 days of the date of billing, failure to pay on such terms shall prevent the same applicant or contractor from obtaining future permits. No liability for the expense of such digging is to attend the property owner. For the purposes of this section, the water utility employees shall be considered as City employees. Persons possessing hard surface cutting equipment and having qualified operators for the same may obtain special permits from the Director of Public Works on an annual basis to cut holes in



## **PUBLIC WORKS 8.08(1)**

pavements, macadam or other hard surface streets themselves, without first obtaining the City equipment or operators of such cutting equipment, provided their operations meet the specifications and standards required by the City. Nothing contained in this subsection shall prohibit emergency operations by utilities.

**8.08 ENCROACHMENT ON STREETS.** (1) **CELLARS AND VAULTS.** No person shall dig or construct, cause to be dug or constructed or have or maintain any area or entrance around any cellar or basement story of any building or open area or open cellar way or entrance leading from the street or alley to the basement of such building; or dig, construct or cause to be dug or constructed any vault or cellar so that the same shall extend into the land of any street, sidewalk, alley or public place; or build, make or cause to be built or made or have or maintain any sidewalk, cellar door or other door or window over or opening into any vault or cellar which opening or window is in or on any street, alley or sidewalk without permission first being granted by the Council. If such permission is granted, a certified copy of the action of the Council taken upon the matter shall be filed by the City Clerk with the Director of Public Works and kept as a record relating to streets, sidewalks and alleys. No basement door, outside entrance or trap door shall extend more than 3' into the line of the street, sidewalk or alley.

(2) **PROTECTION FOR SIDEWALK OPENINGS.** Every opening to any vault, coal hole, chute or aperture in the sidewalk over the same shall be covered with a substantial, good and sufficient iron or steel door or doors, plate or plates with other than a smooth or slippery surface, and shall be laid even with the sidewalk so that persons using the sidewalk can pass with safety over the door, plate or plates.

(3) **OWNER'S AND OCCUPANT'S LIABILITY.** The owner, occupant or tenant of the abutting premises in front of which any opening is maintained in any sidewalk as provided in this section shall be solely responsible for any and all damages and costs which may be adjudged or be required to be paid to any persons for damages in consequence of any defect or inadequacy in the construction of the covering or for the maintenance of such opening, and should it be adjudged that the City is responsible regardless of the above declaration, the City shall have recourse against any such owner, occupant or tenant for any damages which may be rendered against the City because of the maintenance of the opening, and such application for permit, or the continued maintenance of openings, shall be deemed to impose such liability upon the owners, occupants or tenants.

(4) **REMOVING GRATES.** No person shall remove or insecurely fix any bed, grate, door or covering of any opening in any sidewalk permitted by this section, except that such openings may be opened while actually being used, providing they are properly guarded with a guard of at least 3' in height, firmly and securely made and so placed that persons using the sidewalk cannot pass over that portion of the sidewalk where such opening exists, and likewise no person shall leave the covering wholly or partially open or leave any portion extending above the surface of the sidewalk, except when the opening is actually being used as provided herein.

## **PUBLIC WORKS 8.08 (5)**

(5) **BOND.** All persons having or maintaining any trap door or openings in any sidewalk or having or maintaining any vault or excavated area under any street, alley or sidewalk in the City and all persons receiving permission to construct the same shall at all times have on file with the City Clerk a bond or public liability insurance policy in the sum of not less than \$25,000 for each person and \$50,000 for each accident, except that permits for oil intakes in sidewalks of a construction approved by the Sidewalk Inspector shall require a bond or public liability insurance policy in the sum of \$5,000, the terms of the bond or insurance policy shall be such that the City shall be held harmless from the force and effect of any and all judgments which may be rendered against the City by any person receiving injuries to person or property by reason of the maintenance of such openings or areas.

**8.09 RUBBISH IN STREETS.** No person shall place, scatter, deposit, cast or cause to be placed, scattered, deposited or cast upon any public street, alley, gutter, sidewalk or other public grounds in the City, any lumber, wood, timber, ashes, rubbish or any vegetables, paper, glass, tacks, nails, tin cans, wire shavings, refuse matter, carcass, earth or any other thing or substance whatsoever which may obstruct or be likely to obstruct any street, alley, gutter, sidewalk or public ground or impede or tend to impede, hinder or endanger travel thereon or which shall or may injure or deface the same or render the same unclean or unsanitary or impede or tend to impede or clog the storm sewage system of the City.

**8.095 LICENSING OF YARD WASTE DISPOSAL.** (1) **LICENSE REQUIRED.** (a) No person shall dispose of yard waste at any designated City Municipal Yard Waste Disposal Site without being licensed; provided, this requirement shall not apply to City of Fond du Lac residents disposing of yard waste from property which they own or occupy.

(b) Licenses shall be issued on an annual basis and a license fee shall be established by resolution of the City Council.

(2) **REGULATIONS.** The following regulations shall apply to persons licensed pursuant to subsection (1):

(a) "Yard waste" shall be defined as grass clippings, leaves, brush, and other vegetative garden debris originating from properties located within the City limits.

(b) Licensees shall only dispose of yard waste at designated City disposal sites.

(c) Yard waste must be deposited according to disposal site instructions in properly designated areas with different types of waste separated as directed. All yard waste shall be removed from the bags or containers prior to disposal.

(3) **LICENSE REVOCATION.** Disposal licenses may be subject to revocation by the Director of Public Works for the following reasons:

## **PUBLIC WORKS 8.095(3)(a)**

- (a) Disposing of yard waste originating outside the City.
- (b) Failure to follow disposal site instructions, including, but not limited to, failure to properly separate types of yard waste.
- (c) Disposal of materials other than yard waste.
- (4) **PENALTY.** Any person violating any provision of this section shall be subject to a penalty as provided in §25.04 of the Code of Ordinances.

8.10 **SNOW ON STREETS.** No person in clearing snow from his lot, driveway, filling station, garage or other large area shall pile or distribute snow in the street, alleyways or any portions of the street right-of-way within the City which in any way tends to narrow the traveled portion of the street, block the vision of motorists at intersections or prevent parking at the curb or in any other way impede snow removal or create a traffic hazard. Persons having such an accumulation of snow shall remove the same at their own expense without depositing the same in the public streets or public right-of-way. Nothing contained herein shall be applicable to the removal of snow from sidewalks in the City.

8.11 **FIRES ON STREETS.** No person shall burn any brush, leaves, grass, papers, rubbish or similar substance or materials upon any street, sidewalk, alley, gutter or public place in the City.

8.12 **STREET TREES.** No person shall plant a tree on any City parkway or in a street right-of-way without first obtaining a permit from the City.

8.13 **OIL AND GASOLINE.** No person shall deposit, scatter or permit to be deposited, scattered or dripped any oil, gasoline or petroleum products upon any hard surfaced streets, alleys or sidewalks in the City except when such deposit is made by and under the direction of the Director of Public Works.

8.14 **VEHICLES DROPPING MATERIALS ON STREETS.** No operator of any vehicle shall operate or drive any vehicle in such manner as to cause any materials being transported to spill upon the public streets or alleys of the City.

8.15 **DRIVEWAY APPROACHES.** (1) No person shall construct or maintain any driveway between the curb and gutter and the property lines of any property on any street, unless the entire combined curb and gutter shall first have been removed and the same replaced with a driveway gutter which shall be constructed separate from the driveway itself.

(2) No person shall construct or maintain any plank or metal or other raised approach to any driveway or alley across any gutter on any paved, macadamized or other hard surfaced streets having a curb and gutter.

## **PUBLIC WORKS 8.16(1)(a)**

**8.16 REMOVAL OF CURB.** (1) CURB OR GUTTER. (a) No person shall remove any part or portion of the curb or gutter of any improved street unless a permit is first obtained from the Director of Public Works.

(b) Application shall be made to the Director of Public Works on prescribed form for such permit. The application shall state the location and the exact number of feet of curbing and gutter to be removed and shall also state in general terms how the driveway will be rebuilt.

(2) CURB AND TERRACE. (a) It is hereby declared to be the policy of the City to permit, under certain circumstances, owners of property abutting on public streets to remove that portion of the public right-of-way defined as the curb and terrace and to re-surface the same to provide for motor vehicle parking.

(b) Permits to effect the provisions of par. (a) above shall be obtained from the Director of Public Works and such permits may be secured when the applicant and the area under consideration have met the following conditions:

1. The area to be rebuilt to provide parking must be on a street which is in the foreseeable future subject to reconstruction and widening, this determination to be made by the Director of Public Works subject to appeal to the Council.

2. All expenses incurred shall be borne by the property owner, except when the area to be rebuilt is subject to reconstruction within a period of one year from the date of application, in which case the cost shall be borne by the City and be considered part of the general expense of the contemplated future improvement for the area.

3. Plans and specifications for the reconstruction shall be approved by the Director of Public Works.

**8.17 GASOLINE CURB PUMPS.** No person shall construct or maintain any gasoline or similar curb pumps of petroleum products in any street or to construct or maintain any air hose outlet or standard on any public street of the City.

**8.18 CLEANING TERRACES.** No person shall place or deposit on the terrace of any street any cask, box, crate, wood, stone, plank, board, goods, wares, merchandise, ashes or other substances or materials. There shall be no violation of this section when such material is so placed in a regular container for immediate collection and disposal, and actually collected within 24 hours. No person shall park any automobile or truck on the terrace of any street for any purpose at any time.

**8.19 SELLING MERCHANDISE ON STREETS.** No person shall use any sidewalk, street or any part thereof as a place for vending, selling or dealing in merchandise, except when licensed to do so as provided in this Code of Ordinances.

## **PUBLIC WORKS 8.20**

**8.20 CLEANING SIDEWALKS.** The owner or occupant of a lot, part of a lot or building in the City fronting upon any street shall keep the sidewalk in front of such property and along the same clean and free from all dirt, rubbish, encumbrances or obstructions.

**8.21 VEHICLES ON SIDEWALKS.** No operator of any motor vehicle or horse-drawn vehicle shall operate or drive the same over or on to any sidewalk in the City, except in necessarily crossing the same.

**8.22 REMOVAL OF SNOW AND ICE ON SIDEWALKS.** (1) The owner or occupant or person in charge of each lot or part of lot within the City fronting or abutting on a sidewalk shall, within 24 hours after the cessation of each snowfall, remove all ice and snow which may have fallen or accumulated upon the sidewalk under his/her care, including cross walks and handicapped accessibility ramps if said property is a corner lot. When ice is so formed upon any sidewalk that it cannot be removed, such person shall keep the same sprinkled with sand, salt or other abrasives in a manner as to prevent the sidewalk from being dangerous for pedestrian travel, and as soon as weather permits, cause such sidewalk to be thoroughly cleaned. Failure to remove snow and ice accumulations shall be deemed a violation of this section and punishable by the payment of a forfeiture provided in §25.04 of this Code.

(2) In the event of the failure of any person to clean or sprinkle sidewalks as provided in sub. (1) above, the Director of Public Works shall cause such sidewalks to be cleaned or sprinkled at his discretion. He shall keep an accurate account of the expenses of removing the snow and ice and report the same to the City Clerk, who shall report to the Council and cause a reasonable charge to be inserted in the tax roll against the property and the same shall be collected in the manner as other special assessment taxes upon real estate as provided in §66.615, Wis. Stats.

**8.23 WATER DRAINING ON SIDEWALKS.** No owner or occupant of any building shall allow any downspout from any building to remain in such position that the water draining through the same is cast directly upon or flows directly back upon or directly over any public sidewalk in the City so as to create a health hazard or safety hazard or a public nuisance.

**8.24 PLAYING ON STREETS.** No person shall take part in the playing of any game of baseball, football or other game or athletic exercising upon the public streets, alleys or sidewalks of the City.

**8.25 ADVERTISING ON POLES AND TREES.** (1) No person shall post or fasten on any telephone or electric light pole or similar pole within the City or upon any tree within any street line or on any public grounds in the City any bill, sign, notice or advertising device, and permission to erect any such pole shall not be construed to grant such person any right to use or rent the pole for advertising purposes contrary to the provisions of this section.

## **PUBLIC WORKS 8.25(2)**

(2) A person conducting a rummage sale at his residence may have one sign, not to exceed 12" x 15" in size advertising the sale on the terrace abutting such residence during the hours and day of the sale.

**8.26 PARKWAYS.** (1) PAVING. No person shall pave any portion of any parkway or terrace on any street, unless a permit is first obtained from the Director of Public Works. Such permit shall be obtained by making application in the manner provided for application for the removal of curbs as provided by §8.16 of this chapter.

(2) BEAUTIFYING AND PROTECTING PARKWAY. Permission is hereby granted to the owners of abutting property to improve and beautify that portion of the public streets in the City lying between the sidewalks and curb line, subject to the supervision and direction of the City Manager. No person shall allow or permit any shrubs or other foliage over 3' in height in any parkway within 100' of any intersection. Any person allowing or permitting any shrubbery or foliage to exist in violation of this section shall be subject to penalty as hereafter provided, and the Director of Public Works is hereby empowered and directed to cause all such foliage and shrubbery to be removed and the actual cost of removal shall be chargeable to the abutting property.

(3) DESTRUCTION OF PLANTS IN PARKWAYS. Except as provided in this section, no person shall trample, cut, take out or in any manner destroy or damage any plants, flower beds, shrubs or flowers located or growing in that part of any public street in the City lying between the sidewalk and the curb line or between the 2 roadways when any street shall be constructed with a parkway between such roadways on a divided highway.

**8.27 SIDEWALK BUILDERS.** (1) SUPERVISION. All maintenance and repair of public streets, alleys, sidewalks and other public ways shall be under the supervision of the Director of Public Works. He shall be charged with the enforcement of all ordinance provisions relating to such public ways (except traffic ordinances) and is hereby authorized to enforce such ordinance.

(2) LICENSE REQUIRED. No person shall build or construct any cement sidewalk upon or along any street in the City unless he shall first have obtained a sidewalk builder's license, as provided in this section.

(3) APPLICATION. Any person constructing cement sidewalks upon or along the streets of the City for another shall first apply to the Director of Public Works for a license as a sidewalk builder. Upon the applicant furnishing satisfactory evidence that he is capable of building proper cement sidewalks according to the requirements of the City, the Director of Public Works shall issue the applicant a license as a sidewalk builder, which license shall terminate on December 31 next following the issuance thereof.

## **PUBLIC WORKS 8.27(4)**

(4) **REVOCATION OF LICENSE.** Should any person holding license as a sidewalk builder violate any of the ordinances of the City relating to construction of sidewalks, the Council shall have the power and authority, upon giving the offender 48 hours notice, to hold a hearing and to thereafter revoke such license. Such notice may be served in the same manner as service of process.

(5) **STAMP REQUIRED.** The licensee shall provide himself with a stamp and shall stamp his name and the year of construction at each end of each piece of sidewalk so constructed by him in the City.

(6) **RECORD OF SIDEWALK CONSTRUCTION.** The licensee shall on or before December 31 of each year file with the Director of Public Works a statement showing the number of lineal feet and square feet of sidewalk built by him during the past year on or along any public street in the City.

(7) **BARRICADES.** All licensees shall during construction of sidewalks provide the usual lights and barriers to take necessary precautions so that public travel along the street will not be rendered hazardous or dangerous by reason of such construction.

(8) **SIDEWALK LAID BY CITY.** Whenever the City shall cause any work to be done upon any public sidewalks in the City, whether the work be repair, rebuilding or otherwise, the same shall be done in accordance with the ordinances of the City regarding the specifications, line and grade thereof. Nothing in this section requiring a permit or bond, however, shall apply to any work done by the Department of Public Works.

(9) **CONSTRUCTION.** No person shall construct or lay any pavement on any public street, sidewalk, alley or other public way, or repair the same, without first having secured a permit. Application for permit shall be made to the Director of Public Works and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No permit shall be issued unless the work conforms to the ordinances of the City.

(10) **BOND.** Each applicant shall file a bond to be approved by the Director of Public Works conditioned to indemnify the City for any loss or damage resulting from the work undertaken or the manner of doing the same. The schedule or amount of the bond shall be as follows:

<u><b>Amount of Bond</b></u>	<u><b>Sidewalk Area</b></u>
\$1,000	Up to 1,000 sq. ft.
5,000	1,001 to 5,000 sq. ft.
10,000	5,001 to 10,000 sq. ft.
15,000	Over 10,000 sq. ft.

## **PUBLIC WORKS 8.27(11)**

(11) SPECIFICATIONS. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the Council.

(a) Permits Required. No public sidewalk shall be repaired or installed by any person without first having a written permit from the City.

1. Application Forms. Application for sidewalk repair or installation permit shall be made on forms furnished by the City.

2. Fees, Installation. Fees for a sidewalk installation, payable in advance, are as follows:

a. New construction and reconstruction over 65 sq. ft, \$15.

b. Reconstruction of 65 sq. ft. or under, no charge.

3. Permit Expiration. A permit shall expire for work not started within 30 days or completed within 60 days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(b) Grade and Alignment Standards. Applicants shall follow the standard provisions set forth herein for sidewalk construction.

1. Minimum Width. 4.5'.

2. Grade. To follow a line sloping up and away from the top of the curb at a slope of 1/4" per ft., minimum.

(c) Variance from Standards. The City Engineer may authorize variances from standard sidewalk provisions where no curb exists or when unusual topographical conditions, nature of existing construction, or similar factors would make adherence to standard provisions unreasonable.

(d) Grade and Line Required. No sidewalk shall be installed, unless a grade and line are established. If no grades or lines are available, sidewalks may be installed, but they shall be removed, modified or replaced to conform to grades and lines when established by the City at the sole cost of the property owner abutting the sidewalk.

(e) Construction Standards. Sidewalks shall be constructed in accordance with details and specifications as established by the City Council.

(f) Inspection of Work. All work shall be subject to inspection by the City, during construction and upon completion. The Street and Sidewalk Inspector shall be notified by permittee after forms are set and no concrete shall be poured or further construction started until approved by the Inspector.



## **PUBLIC WORKS 8.27(11)(g)**

(g) Repair of Sidewalk by Abutting Owners; Failure to Repair; No Permit Fee Required. All owners or agents of owners with property abutting and fronting upon any plaza, street or alley within the corporate limits of the City are required to keep the public sidewalk immediately abutting their property in good order and repair. Each owner shall be liable to the City for all losses to the City or recoveries from the City for damages to person or property of others caused by his failure or that of his agents to repair and keep in good order and reasonably safe condition all sidewalks abutting and fronting his property upon any plaza, street or alley within the corporate limits of the City. The City may, at its discretion, through the Director of Public Works, notify such owner that repairs are necessary to put the sidewalk in good order and the owner shall within 60 days after notification under the supervision of the Director of Public Works, complete repairs as specified in the notice. If the person fails to make the required repairs, the City may repair same and the owner shall be liable to the City for the cost of the repairs. A permit shall be required to make repairs pursuant to this section. However, there will be no charge for such a permit unless it is proposed to make a change in the grade, location or dimensions of the sidewalk.

**8.28 POLICY FOR SIDEWALK CONSTRUCTION AND REPAIR.** (1) The provisions of §66.615, Wis. Stats., relating to the construction and repair of sidewalks, so far as applicable to the City, are hereby adopted by reference.

(2) Concrete sidewalks of at least 4-1/2' in width shall be constructed on both sides of the street in the right-of-way with the inside edge of the walk along the property line, in the areas described as follows with the exception of the specific exemptions stated in (3) and (4) of this section.

(a) In all Residential and Business Districts. 1. Lots in developed residential and commercial districts of the City that abut on a public street upon which sidewalks are not already constructed shall be required to have missing walks constructed by November 1, 1971. (For purposes of this section, developed shall be defined as 50% of the lots within a given block being built upon and ready for occupancy.) However, the City Council may require sidewalks for access to public buildings or in instances where the public need dictates, in areas of less than 50% development. The City Council may order the installation of sidewalks within any developed area of the City upon the submittal of a petition initiated by two or more affected properties.

2. Lots in newly annexed developed districts of the City that abut on a public street upon which sidewalks are not already constructed shall be required to have sidewalks constructed thereon within one year after annexation unless the City Council determines otherwise.

## **PUBLIC WORKS 8.28(2)(a)3.**

3. Any residential or commercial buildings completed after September 1, 1970, on a lot abutting on a public street upon which sidewalks meeting City specifications are not already constructed, shall install sidewalks within 120 calendar days after completion of the foundation walls, unless a written extension of up to 8 months to allow for poor weather conditions or other conditions beyond the owner's control is obtained from the Director of Public Works.

4. In areas proposed for development in the City where lots abut on a public cul-de-sac street.

(b) Major and Secondary Thoroughfares. Along all major and secondary thoroughfares and collector streets, regardless of zoning classification when the City Council deems such construction necessary to safeguard the safety and welfare of the public. Generally but not necessarily excepted would be highways abutting:

1. Agricultural zones.

2. Cemeteries.

3. Fairgrounds.

4. Vacant land extending outward to limits of City and not situated between built up areas that could be expected to generate pedestrian traffic.

5. Areas where land is intermittently in the township and the City so as to make impossible the construction of a continuous sidewalk for at least 500'.

6. Outlying industrial and commercial zones typically reached by motor vehicle.

(3) The Director of Public Works is hereby empowered to exempt properties from such construction when upon investigation he determines that sidewalk construction is physically impracticable due to the following circumstances:

(a) Nature of terrain.

(b) Insufficient right-of-way.

(c) Insurmountable engineering problems.

(d) Safety hazards that would arise by encouraging pedestrian traffic in dangerous areas such as along railroad tracks.

## **PUBLIC WORKS 8.28(4)**

(4) The Director of Public Works is hereby empowered to exempt properties from the requirement that the sidewalk be constructed with the inside edge along the property line when upon investigation he determines that:

- (a) Specimen healthy trees of 12" or greater diameter would be destroyed.
- (b) Sidewalk alignment within a block would be different from existing walks within the block.
- (c) Severe grade problems would result.

(5) The Director of Public Works is hereby empowered to postpone construction of walks required under (2)(a)1. and 2. and (2)(b) until the time of street construction when a lot or lots abut an unimproved (lacking curb and gutter) street that is expected to be scheduled for improvement at some future date and when in his opinion a delay of construction to coincide with street construction would be necessary.

**8.29 CONSTRUCTION OF SIDEWALKS.** (1) **LINE AND GRADE.** All sidewalks and sidewalk repairs in the City shall be laid to the line and grade provided by the Engineering Division of the Public Works Department.

(2) **CONCRETE.** All sidewalks built in the City shall be constructed with air entrained Portland Cement concrete having a minimum of 6 bags of cement per cu. yd. of concrete. The use of modular concrete paving materials shall be permitted upon authorization by the Director of Public Works. Concrete shall be proportioned by weight, so that for every bag (94 lbs.) of cement there shall be provided approximately 530 lbs. of clean, sound aggregates, of which 35% to 45% shall be fine aggregate. The maximum amount of mixing water provided in the mix shall be 6 gals. of water per 94 lb. bag of cement. The above quantities of aggregate are for oven dry materials having a bulk specific gravity of 2.65; for aggregates having a different specific gravity, the weights of such aggregates shall be adjusted in the ratio that the actual specific gravity of such materials bears to 2.65.

(a) The coarse aggregate used for such concrete may be either broken stone or natural gravel which shall be clean, hard, durable washed material containing no vegetable or other deleterious matter. Such coarse aggregate shall contain no more than one percent total chert by particle count. One hundred percent of the coarse aggregate shall pass a one inch screen, with good grading of intermediate sizes.

(b) Fine aggregate used in the mix shall consist of clean, hard, durable particles of sand, free from all organisms or other deleterious matter. One hundred percent of the fine aggregate shall pass a 1/4" screen and 95% shall be retained on a 100 mesh screen, with the material well graded between large and small particles.

## **PUBLIC WORKS 8.29(2)(c)**

(c) Air entrained concrete shall be produced through the use of air entrained Portland cement or by an admixture used with normal Portland cement, or by a combination of the two. The volume of entrained air in the freshly mixed concrete shall be not less than 4% nor more than 7%.

(d) The sidewalk builder shall have delivery tickets for read mix (transit mixed) concrete available at all times for examination by the City's Sidewalk Inspector as to the mix proportions and type of concrete. Such Inspector shall also be permitted to make compression test cylinders or test for entrained air volumes at any time during the pouring of any concrete sidewalk within the City, to see that proper standards are being maintained.

(3) DIMENSIONS. All sidewalks shall be a minimum of 4" in thickness except that where driveways cross such sidewalk, the thickness shall be a minimum of 6" for the full width of the driveway. All sidewalks constructed or reconstructed in the City shall be 4-1/2' in width except that where existing walks are of greater width than 4'-0", the City Engineer or his agent (Sidewalk Inspector) may order the new walk to be reconstructed to conform to the width of the existing walks. All sidewalks shall have a lateral pitch towards the street curb of no less than 1/4" per ft. nor more than 3/4" per ft.

(4) PREPARATION. (a) Preparation of the area on which concrete sidewalk is to be built, shall include grading to an elevation at least 3" below the bottom face of the concrete section to be placed.

(b) Such grading shall be carried to a width sufficient to permit proper forming of the sidewalk. Soft or boggy material under the proposed sidewalk section shall be removed and replaced with specified granular fill material. Where fill is required to attain the elevation, such fill shall be well compacted sand, gravel, or crushed stone material. There shall be placed on the graded section a minimum of 3" of granular base course under all sidewalk construction, such granular base to be of crushed gravel or crushed limestone, thoroughly compacted by means of pneumatic, mechanical or hand tamping equipment. Such compaction shall be uniform across the entire width of the base course and under the forms as well.

(5) FORMS. Forms for sidewalk construction shall be of wood or metal, straight and of sufficient strength to prevent springing, tipping or other displacement during depositing and consolidation of the concrete. They shall be securely staked and braced to retain the required line and grade during the walk construction. Forms shall be thoroughly cleaned and oiled before concrete is placed against them. No concrete shall be placed within the forms until they have been inspected by the Sidewalk Inspector or a representative of the engineering division.

## **PUBLIC WORKS 8.29(6)(a)**

(6) CONSTRUCTION METHODS. (a) Concrete of the quality and composition specified in sub. (2) shall be placed only on a moistened base course, such wetting to be done immediately before placing concrete. The concrete shall be deposited to the proper depth and consolidated and spaded sufficiently to produce a dense mass, free of voids and providing a smooth face against the forms.

(b) After the sidewalk concrete is struck off to grade, the surface shall be troweled and brushed to provide a finish that will not be slippery in wet weather. Sprinkling or wetting of the concrete to delay setting up time shall not be permitted and the addition of water to the surface after concrete has been placed may be cause for condemnation of the new work by the Sidewalk Inspector.

(c) All construction or "blind" joints in the sidewalk construction shall be cut to a minimum depth of 1/4 the thickness of the concrete slab, or 1" either by sawing or by the use of a suitable tool or edger while the concrete is still plastic. Before a license is issued to any sidewalk builder, he will be required to show evidence of possessing the proper tools to accomplish this joint requirement. The spacing of contraction joints shall be such that no block of sidewalk is larger than 36 sq. ft. in area.

(d) One-half inch thick "Preformed Expansion Joint Filler" shall be placed in all sidewalk construction at property lines, at transverse joints no more than 40' apart, between sidewalk approaches and back of curb, on the approach sides of each corner block at street intersections and at sharp changes in thickness of slab such as at the ends of driveway sections where the walk thickness changes from 4" to 6".

(e) The edges of all sidewalks shall be rounded with an edger of 1/4" radius along the forms and at all joints, contraction or expansion.

(f) All concrete sidewalk repairs or new construction shall be properly cured, after finishing, by the application of an impervious spray coat or by covering with wet fabric or waterproof paper. The curing operation shall be continued for at least 72 hours after the placing of concrete, and such curing operation shall be sufficiently effective to prevent the loss of more than 15% of the water in the concrete mix. Care shall be taken to see that the work is uniformly covered by the curing method employed, including any sawed joints in the work.

(g) Any cold weather work (below 40°F.) shall be protected in the manner prescribed by the City Engineer or his agent, such protection requirements to be based on the particular conditions prevailing at the time the work is to be done. Concrete work shall cease when the descending air temperature falls below 40°F. It shall not be resumed until the ascending air temperature rises above 35°F.

## **PUBLIC WORKS 8.30**

**8.30 WRITING ON STREETS.** No person shall write, paint or otherwise place any writing, transfer, painting, printing or other sign, advertisement, mark or picture so that the same is actually upon and affixed to the surface of any public street, sidewalk, gutter, curb or bridge in the City, unless such act is for traffic or other public purposes authorized by the Council.

**8.31 DAMAGING STREETS.** No person shall willfully deface or otherwise damage or loosen the surface of any street, sidewalk, alley, curbing or gutter.

**8.32 POLICY CONCERNING THE PROVISION OF AND COST ASSESSMENT FOR ORNAMENTAL STREET LIGHTING.** (1) **NEW SUBDIVISIONS.** In all areas platted after March 10, 1971, street lighting shall be provided in accordance with Ch. 18 of this Code. Such chapter requires the subdivider to assume the cost of normal residential street lighting and, in cases where greater than normal residential street lighting is required, the City to assume costs over and above the normal residential lighting.

(2) **ANY AREA OTHER THAN A NEW SUBDIVISION.** (a) Upon petition from property owners or owner on any given block, the City Council may commence proceedings to accomplish the installation of required street lighting, and property abutting a street where lighting is installed shall be assessed the full cost of normal residential street lighting on the basis of front footage in accordance with the current street lighting assessment procedures. In cases where greater than normal residential street lighting is required, the City shall assume the costs over and above the cost of normal residential lighting.

(b) When deemed necessary for the public safety by the City Council, the Director of Public Works shall order installation of street lighting of a type consistent with the nature of the street and its lighting needs, as specified by the Plan Commission. Property abutting a street where lighting is installed shall be assessed the full cost of normal residential street lighting on the basis of front footage in accordance with current street lighting assessment procedures. In cases where greater than normal residential street lighting is required, the City shall assume the costs over and above the cost of normal residential lighting.

**8.33 REMOVING STREET BARRICADES.** No person shall remove, knock down, deface or alter the location of any authorized barricade for a street, sidewalk or excavation in the alleys, streets, parks or other public places in the City, whether the property of the City or otherwise. No person shall remove or damage any lantern, flare, light or warning sign located at or near any barricade or excavation, unless the person performing such act is authorized to do so.

**8.34 PUBLIC UTILITY POLES.** (1) **PERMIT FOR ERECTION.** (a) No person shall erect any telegraph, telephone, electric, railway or other utility poles or posts upon any public street or alley in the City unless a permit is first obtained from the Director of Public Works.

## **PUBLIC WORKS 8.34(1)(b)**

(b) Application shall be made in the manner generally provided for permits under §12.02 of this Code of Ordinances and such application shall, among other things, state the route of the proposed line or lines or any extension thereof showing as nearly as practicable the location of each pole or post and the number and location of the wires, also the approximate height of the poles, and if transformers or other apparatus is to be affixed to the poles, the approximate location and weight thereof shall be stated.

(c) Such permit, when authorized by the Council, shall be subject to revocation by the Council for reasonable cause at any time upon giving to the holder of the permit 6 months notice. However, less time of revocation may be given when the Council by resolution determines public necessity or safety requires any pole or post be removed, in which case, the time for such removal shall be stated in such notice.

(d) Where poles are replaced by like poles in the exact location where formerly located, no permit is required unless the height thereof is less than the height of the replaced pole.

(2) LOCATION OF POLES. Unless otherwise particularly provided in the permit, utility poles erected in any street shall be placed on the outer edge of the sidewalk just inside of the curb and on the line dividing the plot or parcels of land in such manner so that the same will not unreasonably inconvenience the public or the adjoining proprietor or residence or disturb the drainage of the street, or interfere or damage the trees or other public or private property on the line of the street, and when erected in an alley, the pole shall be set as near the side line as practicable, and in general compliance with the rules relating to the erection of poles in streets and in any event, whether the poles are erected in a street or alley, they shall be so located that they do not interfere with, obstruct or inconvenience the free use of the street or alley by the public. All such poles, guy wires, and posts for guy wires shall be of sufficient height to carry any wires placed thereon above and clear of all obstructions growing out of the character or use of the building or other objects adjoining such line. They shall not be attached to the eaves, roof or tops of houses or trees, without the consent of the owner thereof given in writing, and no poles, masts, towers, brackets, or supports shall be less in height from the surface of the ground immediately below than 30', except as to guy posts, the height of which shall be as approved by the Director of Public Works in the permit allowing the same.

(3) RESETTING. Whenever any street or alley upon which any utility poles have been set, graded or paved, all the poles shall be reset immediately so as to conform to the street as reconstructed and failure of the owner of the poles to reset the same as provided in this section shall be cause for immediate revocation of the permit under which the poles are maintained, in which event such cancellation may be made by 10 days notice as provided in sub. (1).

## **PUBLIC WORKS 8.34(4)**

(4) **NAME OF COMPANY ON POLES.** All utility poles for the support of wires shall be marked with the name or initials of the company owning them at a point approximately 5' from the ground surface. Where a pole is used by more than one company, each crossarm or portion thereof on the pole shall be clearly marked and labeled so as to indicate the owner or use thereof.

(5) **POLES PROHIBITED.** No utility poles shall be erected by any person upon or along Main St. from Rees St. to Sixth St. or along Forest Ave. from Main St. to Brooke St.

(6) **CLIMBING OR DAMAGING POLES.** No person except when specifically authorized by the owner shall climb any utility pole or intentionally, willfully, or maliciously injure or damage the same, or any wire or other apparatus connected thereto. No person whether the owner or otherwise shall post any bill or poster upon any pole within the City, except to initial the same or to otherwise post information relating to the voltage or danger or to give similar information relating to the ownership or use of the pole or apparatus thereon. This provision does not apply to the posting of legal or election notices by the proper officials upon such poles.

**8.35 UNDERGROUND CONDUITS.** No person shall lay any underground wire, pipe, or other apparatus for the conveyance of electricity or telephone, or telegraph message under or along any public street or alley in the City without receiving a permit from the Council. Application and the granting of a permit shall be in the manner and subject to the restrictions, so far as applicable to the granting of a permit for the erection of utility poles, as provided by §8.34. The excavation of any streets, sidewalks, or alleys for the purpose of laying any conduits or repairing the same shall be subject to the provisions of this Chapter relating to excavation in the public streets, sidewalks and alleys in the City.

**8.36 CLEATS AND LUGS ON STREETS.** (1) No person shall operate any vehicle on any public street or alley of the City where such vehicle is equipped with solid rubber tires, unless the same shall have rubber on its entire traction surface at least 1" in thickness above the edge of the flange of the entire periphery. No person shall operate any vehicle upon any street or alley where such vehicle has a solid rubber tire having flat spots of 3" or more in dimension when measured on the circumference of the tire. Except when engaged in actual highway construction or maintenance on unfinished streets, public streets or alleys, no person shall propel or draw upon any public street or alley any motor vehicle or tractor engine equipped with any flange, cleat, lug, spud, rim or any other projection extending more than 2" beyond the outside surface of any wheel or tractor rim. No flange, cleat, lug, spud, rim or other projection on any wheel or tractive rim shall come to a sharp edge or point and no angle iron or V-shaped cleat or rim shall be used, unless so mounted that the ends of both lugs or angle irons or V-shaped cleats are on the wheel or tractive rim. The cleats and lugs shall be so arranged on all driving wheels that not more than 2 cleats or lugs are in contact with the road surface at all times and the weight on any wheel or tractive rim shall not exceed 800 lbs. per inch of tire width.



## **PUBLIC WORKS 8.36(2)**

(2) No person shall operate any vehicle of the tractor type upon any public street or alley of the City, unless the driving wheels are protected by suitable fenders.

(3) No person shall propel, draw or move on or across any public street or alley of the City which is paved with asphalt, tar or macadam any traction engine or tractor or any other vehicle having lugs or other than pneumatic tires and weighing over 1,000 lbs., unless there shall be laid and placed upon the surface of such public street or alley planks not less than 2" thick and kept under the wheels of the vehicle while the same is being moved thereon.

8.37 **POLICY REGARDING PETITIONS FOR PUBLIC IMPROVEMENTS.** Public improvements such as sanitary sewer mains and laterals, storm sewer mains and laterals, water mains and laterals, grade and gravel, curb and gutter, permanent type pavement, and ornamental street lighting may either be initiated by the City Council or by a petition filed with the City Clerk signed by one of the following:

- (1) City Manager.
- (2) Director of Public Works or City Engineer.
- (3) The owner/owners of more than one-half of the frontage of the lots and lands abutting the proposed public improvement.

8.40 **PENALTY.** Except as otherwise provided, any person found to be in violation of any provision of this Chapter shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
3 & 4	8.065	2685	10/27/93
21 & 22	8.37(1)(2)(3)	2799	07/26/95
7	8.12	2792	07/12/95
14-16	8.28(1)(2)(3)(4)(5)	2792	07/12/95
16	8.29(2)	3122	09/25/02
7-8	8.095(1)(2)(3)(4)	3155	6/11/03
11-12	8.27(3) and (6)	3211	05/26/04
10	8.22(1)	3226	10/13/04